

LITTMAN KROOKS
LLP

655 Third Avenue
New York, NY 10017
P 212.490.2020
F 212.490.2990

www.littmankrooks.com

399 Knollwood Road
White Plains, NY 10603
P 914.684.2100
F 914.684.9865

Of Counsel
Solkoff Legal
2605 West Atlantic Avenue
Delray Beach, FL 33445
P 561.733.4242
F 561.733.4232

Marion M. Walsh
Partner

Confidential Communication

January 27, 2022

VIA ECF

Hon. Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: *G.P., et al. v. New York City Dep't of Educ.*
Docket No. 21-CV-6511 (KPF)

Dear Judge Failla:

Our office represents G.P individually and on behalf of M.P. in the above referenced matter. I write to request a 30-day extension on Plaintiff's summary judgment motion and to request a pretrial conference write to request a conference.

Pursuant to the case management plan, Plaintiff's motion is due on February 4, 2022. I am seeking a 30-day extension until March 4, 2022. This is our first request for an extension. Counsel for Defendant has consented, if this will also move all deadlines. I have attached a Proposed Revised Scheduling Order.

A number of factors weigh in favor of the extension:

First, the parties have not had an opportunity to engage in any meaningful settlement discussions although Plaintiffs provided an initial offer on December 3, 2021.

Second, I have not yet received the certified copy of the administrative record from the New York State Education Department's Office of State Review ("OSR"), as contemplated in the letter accompanying and referenced in our Case Management Plan. The letter states that "once the Office of State Review has produced the administrative record, the parties will be prepared to conduct motion practice." Counsel let me know today that he had received the record and

would be sending this to the Court soon. As this has not yet occurred, this also weighs in favor of an extension.

Finally, I respectfully request a pretrial conference, pursuant to Your Honor's Individual Rules of Civil Practice, Rule 3, to bring certain matters to the Court's attention. I believe it would benefit all to have a better understanding of the issues, a relevant Second Circuit Decision, *A.R. v Connecticut State Bd. of Educ.*, 5 F.4th 155 (2d Cir, July 8, 2021), that had not been decided at the time of the SRO Decision on April 1, 2021 and to review requests for relief, I respectfully note that I did not wish to cancel the initial conference, although I did not object to adjourning it.

I appreciate your attention to this matter. As noted, I have attached the proposed Revised Scheduling Order.

Respectfully yours,

/s/ Marion M. Walsh

Marion M. Walsh

The Court is in receipt of Plaintiff's above letter. For the reasons stated above, the Court will adopt the parties' proposed revised briefing schedule. Plaintiff's opening motion shall be filed on or before **March 4, 2022**. Defendant's opposition and cross-motion shall be filed on or before **April 4, 2022**. Plaintiff's reply and opposition will be filed on or before **April 28, 2022**. And Defendant's reply will be filed on or before **May 18, 2022**.

The Court does not believe a conference is necessary to address the Second Circuit decision identified above. The Court expects both parties to address the decision in their briefing. Moreover, if the Court finds that additional discussion of the case or any related issue would aid its resolution of the parties' motions, the Court will order oral argument.

The Clerk of Court is directed to terminate the motion at docket entry 15.

Dated: January 28, 2022
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE